States in the endeavor of said leaders to baffle the designs and frustrate the attempts of the government to eradicate polygamy and polygamous cohabitation.

The protest further charges that the conduct and practices of the first presidency and twelve apostles (of whom Mr. Smoot is one) are well known to be, first, contrary to the public sentiment of the civilized world; second, contrary to express pledges which were given by the leaders of the Mormon church in procuring annesty; third, contrary to the pledges required in the enabling act and givern in the state constitution of Utah providing that "there shall be no union of church and state, nor shall any church dominate the state or interfere with its functions," and seventh, contrary to approved the same tenor and effect as the charges made by one John L. Leilich under oath, which are in the main of the same tenor and effect as the charges made the charges made by Mr. Leilich Mr. Smoot.

To the statement made in the protest and the charges by Mr. Leilich Mr. Smoot is a polygamist, having an apostle of the Mormon church, taken an apostle of the Mormon church, taken and oath "of such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States," in March, 1851, introducing on the charges by Mr. Leilich Mr. Smoot is a polygamist, having a legal wife and a plural wife, and the further charge that Mr. Smoot has, as an apostle of the Mormon church, taken an anoth "off such a nature and character as that he is thereby disqualified from taking the oath of office required of a United States, in March, 1851, introducing on the charges by Mr. Leilich Mr. Smoot is a polygamist, having a legal wife and a plural wife, and the further charge that Mr. Smoot has a senator of the United States, "received not should be great minimum to an individual."

The resolution reported by the said the viction of the United States, and that he be therefore with his during the action of the United States, in March, 1851, introducing

The main protest in this case was signed The main protest in this case was signed yeighteen reputable citizens of the state of Utah. One of the signers, Dr. W. M. aden, is the pastor of one of the leading rotestant churches of Salt Lake City and a graduate of Princeton university; nother, Mr. P. L. Williams, is the general and a graduate of Princeton university; another, Mr. P. L. William.s, is the general counsel of a railroad in Utah and the western states; another, Mr. E. W. Wilson, is the cashier of a national bank in Salt Lake City; another, Mr. C. C. Goodwin, the editor of one of the leading papers of that city; another, Mr. W. S. Nelden, the president of a wholesale drug company doing business not only in Utah, but in other of the western states; another, Mr. Ezra Thom, son, a gentleman who has held the office of mayor of Salt Lake City for two terms; another, Mr. J. J. Corwin, a man engaged in real estate, who has been a resident of Utah for about stxteen years; five others, Mr. George R. Hancock, Mr. W. M. Ferry, Mr. Harry C. Hill, Hon, C. E. Allen and Mrs. H. G. McMillan, are men holding positions in the mining industry of Utah. Mr. Allen was the first representative in congress from the state of Utah. Another of the signers of the protest, Mr. G. H. Lewis, was formerly assistant United States attorney and is now master in chancery of the United States circuit court. Rev. Abiel Leonard was, up to the time of his death, which occurred in November, 1903, the bishop of the diocese of Utah of the Protestant Episcopal church. From the standing and character of the signers, it is evident that the protest is not the offspring of suspicion or prejudice, but that such protest emanates from men of such character and respectability as to be entitled

another man she has committed adultery and shall be destroyed, for they are given unto him to multiply and replenish the earth, according to my commandment, and to fulfill the promise which was given by my Father before the foundation of the world; and for their exaltation in the eternal worlds, that they may bear the souls of men; for herein is the work of my Father continued, that he may be glorified.

"64. And again, verily, verily, I say unto you, if any man hath a wife who holds the keys of this power and he teaches unto her the law of my priesthood, as pertaining these things, then

SMOOT CASE NEARS END;
REPORTS REACH SENATE

SINGUIT CASE NEARS END;

Benjamin Cluff, Jr., before referred to, the polygamous marriage was tacitly sanctioned by President Joseph F. Smith when he "referred to Sister Cluff and the work she had been doing among the children in Colonia Diaz, Mex."

in Colonia Diaz, Mex."

It is morally impossible that all these violations of the laws of the state of Utah by the contracting of plural marriages could have been committed without the knowledge of the first presidency out the knowledge of the first presidency and the twelve apostles of the Mormon church. In two of the above cases, that of George Teasdale and that of Benjamin Cluff, jr., the fact of the plural marriage is was directly communicated to the president of the church, Joseph F. Smith, and in the other cases, with the possible exception of James Francis Johnson, the fact of a plural marriage having been celebrated was so well known throughout the community that it is not conceivable that community that it is not conceivable that such marriages would not have been called to the attention of the leaders of the church. Indeed, there was no denial on the part of the first president or any one of the twelve apostles that they learned of the first that have been called the fact that a conceivable that they have been considered. of the twelve apostles that they learned of the fact that plural marriages were being contracted by officials of the Mormon church and that no attention was paid to the matter. The excuse given by them was that it was not their duty to inter-fere in such matters; that the law fur-nished a remedy. Furthermore, it was shown by the testimony of one of the twelve apostles and of other witnesses that "under the established law of the church no person could secure a plural wife except by consent of the president.

Answer of Me Smoot.

The patterness made in the protein and to the protein carried the part of the first presidence of any other offense made answer, which answer is in the manufacture of the charges and the protein and to the charges and the protein and the charges and the part of the first presidence of the part of the par

dren. ***
The Chairman—Mr. Smith, I will not press it, but I will ask you if you have any objection to stating how many chil-

press it, but I will ask you if you have any objection to stating how many children you have in all.

Mr. Smith—Altogether?

Mr. Smith—I have had born to me, sir, forty-two children—twenty-one boys and twenty-one girls—and I am proud of every one of them.

The Chairman—Do you obey the law in having five wives at this time and having them bear to you eleven children since the manifesto of 1890?

Mr. Smith—Mr. Chairman, I have not claimed that in that case I have obeyed the law of the land.

The Chairman—That is all.

Mr. Smith—I do not claim so, and, as I said before, that I prefer to stand my chances against the law. (Vol. 1, pp. 123, 133, 148, 197, 382.)

The list also includes George Teasdale, an apostle; John W. Taylor, an apostle; John Henry Smith, an apostle; Heber J. Grant, an apostle; M. F. Cowley, an apostle; Charles W. Penrose, an apostle; and Francis M. Lyman, who is not only an apostle; the probable successor of Joseph F. Smith as president of the chirch. Thus it appears that the first president and eight of the twelve apostles, a considerable majority of the ruling authorities of the Mormon church, are noted polygamists.

In addition to these, the list includes Brigham H. Roberts, who is one of the presidents of seventies and a leading official of the church; J. M. Tanner, su-

the church; Alma Merrili, one of the presidency of a church stake; Angus M. Cannon, patriarch of the Mormon church; a man named Greenwald, who is demned because of the acts of his as-

is demonstrated by the testimony, the so-called manifesto was aimed at polygamous cohabitation, as well as against the taking of plural wives, and it is the veriest sophistry to contend that open notorious cohabitation with plural wives is less offensive to public morals than the taking of additional wives. Indeed, it is the testimony of some of those who reside in communities that are cursed by the evils of polygamy that polygamous cohabitation is fully as offensive to the sense of decency of the inhabitants of those communities as would be the taking of plural wives.

And this excuse of the Mormon leaders is as baseless in law as it is in morals. In the case of Murphy vs. Ramsay, decided by the supreme court of the United States supreme court reports, volume 114, page 15, it was decided that any man is a polygamist who maintains the relation of husband to a piurality of wives, even though in fact he may cohabit with only one. The court further held in the same case that a man occupying this relation to two of more women can only cease to be a polygamist when he has finally and fully dissolved the relation of husband to several wives. In other words, there is and can be no practical difference in law or in morals between the offense of taking plural wives and the offense of taking plural wives and the offense of polygamous cohabitation. The same doctrine is affirmed in the case of Cannon vs. United States (116 U. S. Supreme-Court Reports, p. 55.)

Mr. Smoot Responsible for the Conduct of the Organization to Which

It is urged in behalf of Mr. Smoot that, conceding it to be true that the first president and some of the apostles are living in polygamy and that some of the leaders of the Mormon church encourage polygamous practices, Mr. Smoot himself is not a polygamist, does not practice polygamy and that there is no practice polygamy, and that there is no evidence that he has personally and individually encouraged the practice of polygamy by members of the Mormon church, and that he ought not to be con-

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